

STATE OF WASHINGTON
GAMBLING COMMISSION

In the Matter of the Summary Suspension of the)	
Certification to Operate Gambling Activities of:)	NO. CR 2010-00597
)	
Samuel Adame)	FINDINGS OF FACT,
Auburn, Washington,)	CONCLUSIONS OF LAW, AND
)	ORDER OF SUMMARY
Class III Employee. ¹)	SUSPENSION OF
)	CERTIFICATION

RCW 9.46.070(17) authorizes the Washington State Gambling Commission (Commission) to summarily suspend² a license or permit, subject to final action by the Commission. The Director has reviewed this Order of Summary Suspension and has issued it for service.

This order takes effect when served on Samuel Adame, his representative, or agent. A Commission Special Agent shall seize Samuel Adame's Class III Employee certification and he must stop conducting Class III Employee activities.

FINDINGS OF FACT

I.

Rick Day is Director of the Washington State Gambling Commission and issues this order. Jurisdiction of this proceeding is based on chapter 9.46 RCW, Gambling, chapter 34.05 RCW, the Administrative Procedure Act, Title 230 WAC and the Muckleshoot Tribal/State Compact.

II.

The Washington State Gambling Commission issued Samuel Adame the following certification: Number 69-20904, Authorizing Class III Employee Activity, formerly with the Muckleshoot Tribe.

The Commission issued this certification, which expires on April 24, 2011, subject to the Class III Employee's compliance with state gambling laws and Commission rules.

¹ The Commission issues Class III Certifications to employees working at Tribal casinos. Certifications allow similar activities as Card Room Employee (CRE) licenses issued to persons working at commercial house-banked card rooms. Class III Employees may transfer their certifications to a CRE license and work at commercial card rooms by sending Commission staff a transfer form and the accompanying fee.

² WAC 230-17-165 defines summary suspension as immediately taking a license or permit from a person or organization which prevents them from operating or conducting gambling activities.

III.

After a thorough review of the report by a Commission Special Agent about the facts in this matter, the Director accepts the report as true and has determined that the summary suspension is necessary.

IV.

SUMMARY:

On April 30, 2010, Samuel Adame pled guilty to two counts of Child Molestation in the Second Degree, a felony sex offense. Mr. Adame failed to report to Commission staff that in October 2008 he was charged with Rape of a Child in the Second Degree.

FACTS:

- 1) In October 2008, Samuel Adame was charged with Rape of a Child in the Second Degree. The charge was the result of Mr. Adame's sexual contact with a 13-year-old girl between January 2005 and March 2005.
- 2) Mr. Adame did not disclose this charge to Commission staff on his April 2009 or March 2010 renewal applications or by any other means. Mr. Adame failed to report criminal actions filed against him within thirty days of the action begin filed, in violation of 230-06-085(1).
- 3) By failing to report the criminal charge, Mr. Adame misrepresented his criminal history to Commission staff on his renewal applications.
- 4) On April 30, 2010, Mr. Adame pled guilty to two counts of Child Molestation in the Second Degree, a felony sex offense. This is a crime of physical harm to an individual and a crime involving moral turpitude.

CONCLUSIONS OF LAW

I.

- 1) **RCW 9.46.070(17)** provides that the Commission shall have the following powers and duties: The Commission may authorize the Director to temporarily suspend licenses subject to final action by the Commission.
- 2) **WAC 230-17-165 Summary suspensions.**
 - (1) "Summary suspension" means immediately taking a license or permit from a person or organization which prevents them from operating or conducting gambling activities.
 - (2) The Commission delegates its authority to the director to issue an order to summarily suspend any license or permit if the director determines that a licensee or permittee has

performed one or more of the actions identified in RCW 9.46.075 as posing a threat to public health, safety, or welfare.

(3) The Commission deems the following actions of a licensee or permittee constitute an immediate danger to the public safety and welfare.

(The following subsections apply.)

(a) Failing or refusing to comply with the provisions, requirements, conditions, limitations, or duties imposed by chapter 9.46 RCW or any rules adopted by the Commission.

(d) Being convicted of, or forfeiting of a bond on a charge of, or having pled guilty to:

(vii) Any crime, whether a felony or misdemeanor involving any gambling activity or physical harm to individuals or involving moral turpitude

(h) Making a misrepresentation of, or failure to disclose, a material fact to the Commission

(4) An order of summary suspension takes effect immediately on service unless stated otherwise in the order of summary suspension.

Mr. Adame failed to disclose to Commission staff his Rape of Child charge to Commission Staff and misrepresented his criminal history to Commission staff on his renewal applications. On April 30, 2010, Mr. Adame pled guilty to two counts of Child Molestation in the Second Degree, a felony sex offense. This is a crime of physical harm to an individual and a crime involving moral turpitude.

Samuel Adame's actions constitute an immediate danger to public safety and welfare based on WAC 230-17-165(3)(a), (d)(vii), and (h), and are a basis for Mr. Adame to immediately stop conducting Class III Employee activities.

3) Section V(C) of the Muckleshoot/State Compact

The State Gaming Agency may revoke a State Certification under the provisions of RCW 9.46.075, and the rules promulgated thereunder, for any reason or reasons it deems to be in the public interest. In addition, these reasons shall include, but shall not be limited to when a holder of certification:

(The following subsections apply.)

(1) Is determined to be a person whose prior activities, criminal record, or reputation, habits and associations pose a threat to the effective regulation of gaming or create or enhance the chances of unfair or illegal practices, methods and activities in the conduct of the gambling activities permitted pursuant to this Compact; or the person has violated, failed or refused to comply with the provision, requirements, conditions, limitations or duties imposed by any provision of a Tribal/State Compact.

(2) Has failed to provide any information reasonably required to investigate the application for state certification or to reveal any fact material to such application, or has furnished any information which is untrue or misleading in connection with such application.

4) RCW 9.46.075 Denying, suspending, or revoking an application, license or permit.

The Commission may revoke any license or permit issued by it, for any reason or reasons, it deems to be in the public interest. These reasons shall include, but not be limited to, cases wherein the applicant or licensee, or any person with any interest therein,
(The following subsections apply.)

(1) Has violated, failed or refused to comply with the provisions, requirements, conditions, limitations or duties imposed by chapter 9.46 RCW and any amendments thereto, or any rules adopted by the commission pursuant thereto, or when a violation of any provision of chapter 9.46 RCW, or any commission rule, has occurred upon any premises occupied or operated by any such person or over which he or she has substantial control;

(4) Has been convicted of, or forfeited bond upon a charge of, or pleaded guilty to, forgery, larceny, extortion, conspiracy to defraud, willful failure to make required payments or reports to a governmental agency at any level, or filing false reports therewith, or of any similar offense or offenses, or of bribing or otherwise unlawfully influencing a public official or employee of any state or the United States, or of any crime, whether a felony or misdemeanor involving any gambling activity or physical harm to individuals or involving moral turpitude;

(7) Makes a misrepresentation of, or fails to disclose, a material fact to the Commission;

(8) Fails to prove, by clear and convincing evidence, that he is qualified in accordance with the provisions of this chapter.

5) WAC 230-03-085 Denying, suspending, or revoking an application, license or permit.

We may revoke any application, license or permit, when the applicant, licensee, or anyone holding a substantial interest in the applicant's or licensee's business or organization,
(The following subsections apply.)

(1) Commits any act that constitutes grounds for denying, suspending, or revoking licenses or permits under RCW 9.46.075; or

(2) Has been convicted of, or forfeited bond on a charge of, or pleaded guilty to a misdemeanor or felony crime involving physical harm to individuals. "Physical harm to individuals" includes any form of criminal assault, any crime involving a threat of physical harm against another person, or any crime involving an intention to inflict physical harm on another person;

(8) Poses a threat to the effective regulation of gambling, or creates or increases the likelihood of unfair or illegal practices, methods, and activities in the conduct of gambling activities, as demonstrated by: (a) Prior activities; or (b) Criminal record; or (c) Reputation; or (d) Habits; or (e) Associations.

6) RCW 9.46.153(1) Applicants and licensees- Responsibilities and duties.

It shall be the affirmative responsibility of each applicant and licensee to establish by clear and convincing evidence the necessary qualifications for licensure of each person required to be qualified under this chapter, as well as the qualifications of the facility in which the licensed activity will be conducted.

7) WAC 230-06-085(1) Report criminal actions filed.

Licensees must report to us in writing within thirty days all criminal actions filed against the licensee, any manager of the licensed gambling activity, the business organization, or any person holding a substantial interest in the business organization.

Mr. Adame:

- a) Failed to disclose his criminal charge to Commission staff as required by WAC 230-06-085. As a result, he misrepresented his criminal history to Commission staff on his renewal applications.
- b) Pled guilty to two counts of Child Molestation in the Second Degree, a felony sex offense. This is a crime of physical harm to an individual and a crime involving moral turpitude.
- c) Has failed to prove by clear and convincing evidence that he is qualified to hold a Class III Employee certification as required by RCW 9.46.153.
- d) Poses a threat to the effective regulation of gambling as demonstrated by his prior activities and criminal history.

Grounds exist to revoke Samuel Adame's Class III Employee certification under Section V(C)(1) and (2) of the Muckleshoot Tribal/State Compact, RCW 9.46.075(1), (4), (7), and (8), and WAC 230-03-085(1) and (8).

II.

Samuel Adame's actions are an immediate danger to public safety and welfare, and the Class III Certification has failed to comply with chapter 9.46 RCW or Commission rules. The immediate suspension of Mr. Adame's Class III Employee Activity is required to protect public safety and welfare.

ORDER

Based on the FINDINGS OF FACT AND CONCLUSIONS OF LAW and the Director's authority under RCW 34.05.422; RCW 9.46.070(17), and WAC 230-17-165, the Director orders that Samuel Adame's Class III Employee certification is summarily suspended, pending a formal hearing by an Administrative Law Judge.

STATEMENT OF RIGHTS

(1) ~~You may ask for a stay of this Order.~~ To do so, you must complete and return to the Commission the enclosed Application for Stay Hearing form within fifteen (15) days from the date you receive this Order. If the Commission receives a timely request, we will hold a hearing within seven (7) days as required by WAC 230-17-170(3). The stay hearing will determine if your suspension should continue, or whether the suspension may be modified.

Samuel Adame

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER OF
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At the stay hearing, you will have to prove by clear and convincing evidence that:

- (a) You are likely to win at hearing; and
- (b) If your suspension continues, you will suffer serious injury. Under this section, loss of income from licensed activities is not considered serious injury; and
- (c) Removing the immediate suspension will not hurt others involved in this case; and
- (d) The threat to the public safety or welfare does not justify continuing the suspension, or that modifying the suspension will adequately protect the public.

(2) You also have a right to a hearing on the revocation of your certification. To do so, you must complete and return to the Commission the enclosed Application for Hearing form within twenty (20) days from the date you receive this order. If you do NOT request a hearing, we will enter an Order of Default to revoke your certification under RCW 34.05.440.

If you have any questions regarding the rights stated above, please contact Paralegal Michelle Pardee at (360) 486-3465 or 1-800-345-2529, extension 3465.

STATE OF WASHINGTON)
) ss.
COUNTY OF THURSTON)

Rick Day, under oath, declares that he has read this Order of Summary Suspension of Certification, knows its contents, and believes it to be true, and affirms that he is the Director of the Washington State Gambling Commission and in that capacity has executed this Order of Summary Suspension of the Certification.

Rick Day, Director

SUBSCRIBED AND SWORN TO before me this
14 day of June, 2010.

NOTARY PUBLIC in and for the State of

Washington, residing at: LACEY

My Commission expires on June 16, 2013

